REMARKS

The outstanding issues are as follows:

- Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e); and

- Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in light of the remarks contained herein. Claims 1–48 are pending in this application.

I.   REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Spiegel et al., U.S. Patent No. 6,629,079 (hereinafter *Spiegel*).

A.   *Claims 1–6*

In filing its request for continued examination herewith, Applicant presents new arguments of patentability over the 35 U.S.C. § 102(e) rejections of record. In the Advisory Action, mailed on November 16, 2006, the Examiner rejected Applicant's previous arguments directed to *Spiegel*'s failure to teach or even suggest dynamically manifesting a shopping list from information received from the shopping list source. Advisory Action – Continuation Sheet. The Examiner stated that as the term "dynamically manifest" has been used in the current claims and specification, that *Spiegel* did, in fact, teach dynamic updates to the shopping lists. However, as noted previously and in new argument herein, *Spiegel* does not teach or even suggest such dynamic manifestation.

In claim 1, a software system is transmitted from a server system along with shopping list data, to a Web browser client. The Web browser client then operates and processes the software system and list data to operate the claimed invention. Therefore, the dynamic manifestation of the shopping list, as required by claim 1, is being performed on the Web browser client, again, as required by claim 1. In *Spiegel*, all shopping cart information is processed at the server system 401. Col. 6, ln 59 – Col. 7, ln 13. As described in the

flowchart of *Spiegel*'s Figure 8, when the user selects to add an item, the changes are made to the user database, which *Spiegel* describes as being located on the server system 401. *See* FIGURE 4; *and* Col. 8, lns 42-52. According to the description of *Spiegel*, the MECC System 414 contains the various components that perform the functions of the multiple electronic contexts (i.e., the different shopping carts), including the updating of the HTML document that is to be transferred to the browser 421 of the client system 420. Col. 7, lns 3-13. Thus, the system description from *Spiegel* performs all of the processing of the various multiple electronic commerce contexts at the server system 414. In contrast, claim 1 requires such processing to be at the Web browser client, which is how the claimed invention describes dynamically manifesting the shopping list received from the shopping list content source. Therefore, *Spiegel* does not teach or even suggest each of the limitations of claim 1. As such, claim 1 is patentable over the rejection of record.

Claims 2–6 each depend directly or indirectly from independent claim 1 and, thus, inherit each of the limitations of clam 1. As such, claims 2–6 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 1–6 under 35 U.S.C. § 102(e).

B.   Claims 7–12

Claim 7 requires, "... dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 7.

Claims 8–12 each depend directly or indirectly from independent claim 7 and, thus, inherit each of the limitations of claim 7. As such, claims 8–12 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 7–12 under 35 U.S.C. § 102(e).

C.   Claims 13–17 and 19

Claim 13 requires, "… said controllable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 13.

Claims 14–17 and 19 each depend directly or indirectly from independent claim 13 and, thus, inherit each of the limitations of claim 13. As such, claims 14–17 and 19 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 13–17 and 19 under 35 U.S.C. § 102(e).

D.   Claims 20–24 and 26

Claim 20 requires, "… dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 20.

Claims 21–24 and 26 each depend directly or indirectly from independent claim 20 and, thus, inherit each of the limitations of claim 20. As such, claims 21–24 and 26 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 20–24 and 26 under 35 U.S.C. § 102(e).

E.   Claims 27–29

Claim 27 requires, "… said moveable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 27.

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Claims 28–29 each depend directly or indirectly from independent claim 27 and, thus, inherit each of the limitations of claim 27. As such, claims 28–29 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 27–29 under 35 U.S.C. § 102(e).

F.   Claims 32–34

Claim 32 requires, "… dynamically manifesting said audio-visual program within said moveable television window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 32.

Claims 33–34 each depend directly or indirectly from independent claim 32 and, thus, inherit each of the limitations of claim 32. As such, claims 33–34 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 32–34 under 35 U.S.C. § 102(e).

G.   Claims 37–39

Claim 37 requires, "… said controllable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 37.

Claims 38–39 each depend directly or indirectly from independent claim 37 and, thus, inherit each of the limitations of claim 37. As such, claims 38–39 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 37–39 under 35 U.S.C. § 102(e).

H.   Claims 43–45

Claim 43 requires, "... dynamically manifesting said audio-visual program within said controllable television window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation within the Web browser, but rather describes standard server-based Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 43.

Claims 44 and 45 each depend directly or indirectly from independent claim 43 and, thus, inherit each of the limitations of claim 43. As such, claims 44 and 45 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 43–45 under 35 U.S.C. § 102(e).

II.   REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spiegel* in further view of Hall, Marty, "Core Web Programming," 1998 (hereinafter *Hall, Marty*).

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the rejections do not satisfy these criteria.

As noted above, Applicant asserts that *Spiegel* does not teach or even suggest all of the limitations of independent claims 13, 20, 27, 32, 37, and 43. *Spiegel* fails to teach the dynamic manifestation of data as required in those independent claims. Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 depend from base claims 13, 20, 27, 32, 37, and 43, respectively, and, thus, inherit each independent claim's limitations. As such, claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are each patentable over *Spiegel*. Moreover, *Hall, Marty* does not teach or suggest dynamic manifestation of data. Therefore, the combination of *Spiegel* with *Hall, Marty* does not teach or even suggest each of the claim limitations of

claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48. As such, Applicant respectfully requests the Examiner to withdraw his rejection of claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 under 35 U.S.C. § 103(a).

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. The fee required for the Request for Continued Examination is dealt with in the accompanying transmittal. If any additional fees are due, please charge Deposit Account No. 06-2380, under Order No. 65164/P001CP1/10606083 from which the undersigned is authorized to draw.

Dated: December 15, 2006   Respectfully submitted,
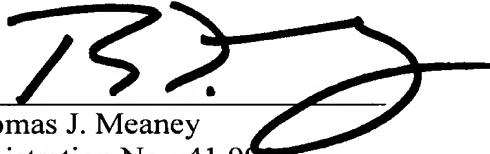
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